

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**APPROVED
AUGUST 27, 2015**

Council Chambers

Meeting called to order: 6:01 p.m.

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Deborah Lynch, Secretary Debbie Driscoll-Davis and Mark Alesse.

Members absent: David Lincoln.

Staff present: Chris DiMatteo, Town Planner.

Pledge of Allegiance

Minutes: August 6, 2015 Site Walk

Ms. Kalmar moved to approve the site walk minutes of August 6, 2015 as written.

Ms. Driscoll-Davis seconded.

Motion carried: 6-0-0

Public Comment: None.

OLD BUSINESS

ITEM 1A – Parking in the Foreside

Ms. Driscoll-Davis commented that the Foreside is a residential and commercial zone. She noted that comments had been received regarding the roads in the area being narrow and the potential pending increase of development and suggested a temporary solution until the comprehensive plan has been completed. She commented on section 16.3.2.15 in the zoning ordinance, section E (special parking standards), noting that if they were to add in a sentence that says “[...] if the properties abut Government Street, Walker Street or Wallingford Square”, it would help prevent the overflow of parking into the nearby residential areas. Ms. Driscoll-Davis added that public parking has 11 spaces plus 2 handicap spaces, there are 12 striped spaces on Government Street, one at the corner of the Masonic Lodge, 9 spaces going up to Main Street, 56 spaces on Walker Street, 8 striped spaces in Wallingford square plus 3 in front of the old masonic building and 1 in front of Maine Squeeze. Additionally, most of the parking at the Rice Public Library is paid private parking and if they move to another location, the parking may not be available for the public at all.

Ms. Driscoll-Davis noted that the primary area of business is centered on Government Street, Walker Street and Wallingford Square. Ms. Grinnell asked how much of these roads are to be considered and Ms. Driscoll-Davis replied that it would extend on Government Street from Commercial Street to Wallingford Square and all of Walker Street. She commented that if you were to open a business in your home you would get the three parking credits and there is not

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**APPROVED
AUGUST 27, 2015**

enough room for that in certain areas right now. Ms. Grinnell stated that only people in this proposed area would get parking credits and no other area would receive them. Mr. DiMatteo commented that if someone wanted to start a business out of their home outside of this area, they would find it difficult to do so. Ms. Grinnell questioned why they would not extend it to the end of Government Street and asked if they would consider putting this plan into effect until the comprehensive plan is completed and the Foreside Group come up with a better solution. Mr. DiMatteo asked if there was a need for this at this time and Ms. Driscoll-Davis responded that she has seen a need for this in applications already.

Mr. DiMatteo stated that they need to understand the big picture and the intent of the 2006 mixed use zone ordinance. He noted that since the entire area is walkable, they were intending for people to be able to park anywhere in the zone. He added that since the area is so small, there must be give and take and people need to have the ability to park in other areas or they will run out of parking. He then stated that they need to discuss how to interpret the rule and whether it is 3 credits per business or per building. They also need to prove an expressed need to provide a solution at this time. Ms. Driscoll-Davis responded that there is a strong force to revitalize the Foreside and the commercial aspects of the Foreside are stretching out wherever it can. She added that she has heard from residents who are not happy with this happening near their homes. Mr. DiMatteo responded that it depends on the individual business and how much parking that it would need. Mr. Alesse asked if they could utilize no parking signs or resident-only parking signs in areas with limited parking. Ms. Driscoll-Davis responded that signs such as those would require police enforcement.

Ms. Grinnell commented that if they were to restrict parking, then anyone who wants to start a business would have to go to the Town office to get a permit and the parking situation in the proposed area would be evaluated at that time. Ms. Driscoll-Davis noted that they could also get permission from abutters to allow parking in their area or from the church or hospital to let people park in their spaces. Ms. Grinnell responded that as the Foreside grows and more parking credits are given out they will eventually run out of spaces. She added that the idea of a parking garage has been a topic of discussion for at least 6 years. Ms. Driscoll-Davis noted that Kittery is more heavily residential so businesses should help to foot the cost for the parking garage. Ms. Lynch commented that they do not need to build a parking garage at the taxpayers' expense.

Mr. Harris stated that most roads in this area are too narrow for on street parking, such as Love Lane, and are no place for a business to be. Ms. Kalmar responded that they cannot stop a business from going in a certain area since the entire zone is mixed use. She then noted that they should get the EDC and the comprehensive plan to weigh in on the issue. Ms. Driscoll-Davis responded that the comprehensive plan will not be completed for a few years and this will give the residents some protection in the interim. Mr. DiMatteo noted that the situation is not black and white; it's important to not let residents get overrun but you cannot restrict business since the

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**APPROVED
AUGUST 27, 2015**

zone is mixed use. Ms. Kalmar commented that the mixed use zone ordinance expanded the Foreside zone and they did not know what the consequences would be. Ms. Grinnell responded that she understands that this is a mixed use zone but there must be a balance. Mr. DiMatteo noted that if streets are too narrow for parking in a certain area then that area might need to be rezoned. Ms. Driscoll-Davis asked why they would give parking credits in an area where there is no room for parking and there are no sidewalks.

Mr. Alesse suggested they view this on a street by street or case by case basis. He noted that certain areas where the roads are too narrow would not get parking credits. Ms. Kalmar commented that she liked the idea of a case by case basis so you can review their parking needs based on their type of business. Mr. Alesse stated that they should make it a rule that the Planning Board must review parking credits before they are allotted. Mr. Harris asked why they cannot change the zones so businesses are not allowed in certain areas. Ms. Kalmar responded that analyzing the zones is part of the comprehensive plan, which is more of a long term goal, and this is just a temporary fix for now.

Ms. Driscoll-Davis commented that members of the public wanted a moratorium on tearing down old buildings and she did not think the situation was enough of an emergency for the Council to agree. She noted that this would just deal with parking spaces in this particular zone. Ms. Grinnell suggested that they hold a workshop on September 24th with the EDC and the Foreside Group. She then asked about the possibility of parking meters in the area. Ms. Driscoll-Davis commented that having parking meters would give the Police Department more reason to enforce parking in the area.

ITEM 1B – Action List

Ms. Earledean Wells, Chair of the Conservation Committee, commented that she had written a letter about manmade wetlands which should be on the action list. The letter was regarding the protection of wetlands. Ms. Driscoll-Davis suggested that they add it as item #28. Mr. DiMatteo commented that they need to discuss the factors that define a wetland. Ms. Wells responded that they should have a scientist look at the wetlands. Ms. Grinnell commented that they are currently working on #5 (Cluster Ordinance) and this fall they are going to work on #21 (Parking credits) and #28 (Wetland protection).

ITEM 2A – Code Amendment Update

Mr. DiMatteo noted that the document included in the packet is part of the Code Amendments that have been previously approved and are now making their way to the Council for review. There are no substantial changes just slight reworking. Ms. Kalmar commented that she approves of the changes and agrees with Mr. DiMatteo that there are no substantive changes. Ms. Kalmar

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**APPROVED
AUGUST 27, 2015**

and Ms. Driscoll-Davis then provided some grammatical changes to the document. Ms. Driscoll-Davis questioned the section regarding holding tanks and commented that she would like to know what the State says about holding tanks in nonresidential areas. If it says nothing then they should discuss the issue further. Mr. DiMatteo responded that this document has already been reviewed and finalized and they can add holding tanks to the action list if they want to discuss it further. Ms. Driscoll-Davis stated that she would like to know what the State law is regarding holding tanks and how many there are in Kittery. Ms. Grinnell suggested they add that to the action list as #29.

Mr. DiMatteo noted that he would like this to get on the Council agenda for September and maybe have a public hearing on the adoption in October. Ms. Wells suggested that they add a discussion regarding the limit of how far a leach field can be from a structure if it is serving a multi-family unit. She noted that they had the situation come up in the past but they never discussed distance. Ms. Grinnell asked if there was anything in State law regarding this issue. Ms. Wells responded that she did not know and that nothing came up in the past when the situation arose before the Board. Ms. Grinnell asked Mr. DiMatteo to review State laws and add this as #30 on the action list.

Mr. Alesse commented that he was reviewing the ordinances and it says that municipal impact analysis must be included in the final plan. He stated that it should be noted in the findings of fact and they should direct the staff to always do this analysis and include it in the findings of fact. Ms. Kalmar commented that it is required for the final plan but does not need to be in the findings of fact. Ms. Driscoll-Davis noted that it does need to be in the final plan. Mr. DiMatteo responded that the findings of fact talk about code compliance and this is submittal. Mr. Alesse noted that it talks about cost and revenue and it should be in the findings of fact so that the Board can confirm that they have received a cost benefit analysis. Ms. Kalmar noted that this is one of the codes that the plan must conform to. Ms. Grinnell suggested that Mr. DiMatteo start requesting this of the applicant.

Ms. Wells asked what the impact of the FEMA letter was. Mr. DiMatteo responded that he needs to look into it further.

Mr. Harris moved to adjourn.

Ms. Kalmar seconded.

Motion carried: 6-0-0

The Kittery Planning Board meeting of August 27, 2015 was adjourned at 7:14 p.m.

Submitted by Valerie Porrazzo, Minutes Recorder, September 2, 2015.